

REMARKS

Claims 27, 29, 32-37, 39, 43-46 and 48 were pending in the present application. Claims 1-26, 28, 30-31, 38, 40-42, 47 and 49 had been previously canceled and claims 46 and 48 have been canceled herein. Claims 43-45 have been amended herein. Accordingly, claims 27, 29, 32-37, 39 and 43-45 will be pending upon entry of the instant amendment. Any cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite prosecution of the application. No new matter has been added, and Applicants submit that all of the claims are now in condition for allowance.

Rejection of Claims 43-46 and 48 under 35 U.S.C. §112, first paragraph

Claims 43-46 and 48 were rejected under 35 U.S.C §112, first paragraph, because "[t]he specification, while providing the guidance needed to practice a method of identifying a ligand which binds to a receptor protein comprising the amino acid sequence presented in SEQ ID NO:5 of the instant specification, does not reasonably provide the guidance needed to practice binding assay which employs a protein having anything less than the entire amino acid sequence presented in SEQ ID NO:5".

Applicants have canceled claims 46 and 48, and have amended claims 43-45 in order to delete reference to claims 46 and 48, thereby obviating the 35 U.S.C. §112, first paragraph rejection of claims 43-46 and 48. Therefore, Applicants respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. §112, first paragraph rejection over claims 43-46 and 48.

Rejection of Claims 43-46 and 48 under 35 U.S.C. §102(e)

Claims 43-46 and 48 were rejected under 35 U.S.C §102(e) as being "[a]nticipated by the Young et al. patent (6,444,440)." Specifically, the Examiner asserts that "The amino acid sequence described in SEQ ID NO:2 of the Young et al. patent is 99.6% identical to SEQ ID NO:5 of the instant application, differing therefrom by a single deletion at position 418."

Applicants have canceled claims 46 and 48, and have amended claims 43-45 in order to delete reference to claims 46 and 48, thereby obviating the 35 U.S.C. §102(e) rejection of claims 43-46 and 48. Therefore, Applicants respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. §102(e) rejection over claims 43-46 and 48.

CONCLUSIONS

In view of the amendments and remarks made herein, Applicants respectfully submit that the rejections presented by the Examiner are now overcome and that this application is in condition for allowance. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

This paper is being filed timely as Applicants believe that no extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Applicants note that the Office Action of April 13, 2004 was sent to Applicants' prior counsel and hence submit herewith 1) copies of the Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney (2 pages); and 2) Change of Attorney Docket Number (1 page), both filed on April 28, 2003.

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

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Limited Recognition Under 37 C.F.R. §10.9(b)

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